

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 13-148

VERSUS

JUDGE ELIZABETH ERNY FOOTE

ANDREW SEGOBIA

MAGISTRATE JUDGE HORNSBY

ORDER

Before the Court is a letter from the Defendant, Andrew Segobia ("Segobia"), in which he asks the Court to "lift the following restriction; no internet access." Record Document 35. While this Court never banned Segobia from accessing the internet, it did impose Special Condition #4, which provides:

The defendant shall not receive or transmit any sexually arousing material, including child pornography, via the internet nor visit any website, including chat rooms or bulletin boards, containing any sexually arousing material, including child pornography. The defendant shall install filtering software on any computer he possesses or uses which will monitor/block access to sexually oriented web sites. The defendant shall pay the costs of the filtering software/services as directed by the U.S. Probation Office, at their discretion.

Record Document 29, p. 4. The portion of that condition that impacts Segobia is the requirement that he install and pay the costs of filtering software on any computer he possesses or uses. This requirement effectively limits his ability to access the internet.

After consultation with the United States Probation Office and upon consideration of United States v. Fernandez, 776 F.3d 344 (5th Cir. 2015) (vacating supervised release special condition which required the installation of filtering software on defendant's computer after finding that neither defendant's instant offense nor his criminal history had any connection to computer use or the internet), this Court **GRANTS** Segobia's request and **MODIFIES** Special Condition #4 to remove its second and third sentences. Thus,

Special Condition #4 shall now state, in its entirety: "The defendant shall not receive or transmit any sexually arousing material, including child pornography, via the internet nor visit any website, including chat rooms or bulletin boards, containing any sexually arousing material, including child pornography."

All other conditions of supervised release as set forth in the original judgment [Record Document 29] remain intact.

THUS DONE AND SIGNED this 21 day of November, 2016.



ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE
